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NOMINATIONS OF THOMAS L. ADAMS, JR. AND ADM. KENNETH M. CARR

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

THE NOMINATION OF THOMAS L. ADAMS, JR., TO BE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE MONITORING, ENVIRONMENTAL PROTECTION AGENCY AND ADM. KENNETH M. CARR, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

JULY 28, 1986

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NOMINATIONS OF THOMAS L. ADAMS, JR. AND ADM. KENNETH M. CARR

MONDAY, JULY 28, 1986

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 2:06 p.m., in room SD-406, Dirksen Senate Office Building, Hon. Robert T. Stafford (chairman of the committee) presiding.

Present: Senators Stafford, Simpson, and Domenici.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator STAFFORD. The committee will please come to order.

Good afternoon. Our hearing this afternoon is to receive testimony on two of President Reagan's nominations for the important executive branch positions which are within the jurisdiction of the Committee on Environment and Public Works. First, we will hear from Mr. Thomas L. Adams who has been nominated to be Assistant Administrator for Enforcement and Compliance Monitoring at the Environmental Protection Agency and then from Adm. Kenneth M. Carr, the President's nominee to become a member of the Nuclear Regulatory Commission.

If confirmed for the position for which he has been nominated, Mr. Adams will play an important role in seeing that our environmental laws are complied with. From experience, the members of this committee know that the laws we write are only as good as the level of compliance with such laws, and one of the most important determinants of compliance is the knowledge that noncompliance will be detected and penalized.

Thus, there should be no doubt in anyone's mind that this committee places a high value on the importance of an aggressive enforcement program at the Environmental Protection Agency.

It is the responsibility of those charged with carrying out the law to assure that such an enforcement program is in place. This is the case whether or not those implementing the law agree with every provision.

Mr. Adams, I hope we will learn from you that your commitment is total with regard to achieving maximum compliance with the laws your agency is charged with administering.

I will note that Mr. Adams 'career, with the exception of 3 years in the Navy, has been spent in Washington, both in the public and private sector. He is currently serving as Deputy General Counsel

at the Environmental Protection Agency where he has been since 1983.

Mr. Adams, we look forward to hearing from you, and we are especially pleased to have one of the most distinguished former members of this committee, John Sherman Cooper, here to introduce you. Senator Cooper was a member of this committee for some 16 years and was our ranking Republican member when the committee developed the Clean Air Act and the Clean Water Act and first considered expanding use of the highway trust fund for mass transit.

I might say that Senator Cooper was the ranking member of this committee when it was my privilege to join it some 16 years ago. To me, he is still my senior Senator.

We are always delighted to see you, Senator Cooper. I might add, John, that your good work lives on. Only last week in this very room, working on another 4-year highway bill, section 4(f), a provision you helped write 20 years ago to protect the Nation's parks, remained an issue of great importance. In fact, it tied the committee up for some time, but it came out right, and we are still working to preserve and improve the Highway Beautification Act which occupied your attention in 1965 and thereafter.

In short, Senator Cooper, it is indeed a pleasure for me personally and on behalf of the committee to welcome you back this afternoon. We would be glad to hear whatever you wish to say at this point.

STATEMENT OF HON. JOHN SHERMAN COOPER, A FORMER U.S. SENATOR FROM THE STATE OF KENTUCKY

Senator COOPER. Senator Stafford, chairman of the Committee on Environment and Public Works, and all Senators who are members of this very important committee, I want to thank you for the opportunity to come before you for a brief time to speak for one whom I have known for a number of years, Tom Adams, Jr., who has been nominated by the President of the United States for the very important position of Assistant Administrator for Enforcement and Compliance for the regulations and objectives of the Environmental Protection Agency.

Also, I would like to say briefly that I am very happy to be here again. It was my great opportunity to serve for a number of years upon this committee at a time when it evolved from a committee dealing with the protection of the lands and the development of our great river systems into the larger jurisdiction of protecting the very air and the water which gives us life.

We have seen it become more and more important, you, of course, much better than I, but even I read about it and about the toxic wastes that you work against. Also, lately, we have seen other threats, the one in India last year and the awful tragedy in the Soviet Union this year. It shows the importance of your work.

I also remember its developing into something to keep our environment beautiful, beautifying as best we could what nature had already made beautiful.

But today I come before you, and I do not think actually that my testimony will be needed. I have read the summary of the work,

the experience, and the education of the one who is before you for your, I am sure, approval.

I think it is rather remarkable the variety of his experience, first as a graduate of great university, then his service in our armed services for several years, then returning to another great university to receive his law degree, and then the variety of services in which he has engaged, even in the private sector for a time. But I think it is worthwhile to have some knowledge of how the great enterprise system works.

Then, he was selected by a number of important agencies of the U.S. Government. That is rather unusual. And, finally, he has reached the one to which he wants to devote his life and his career, and that is work with the Environmental Protection Agency.

So, I think that I know when you consider his background that there can be little doubt, and I would say no doubt, that he is eminently qualified by his experience and by his work to serve with this agency to which he has been nominated by the President.

So, I think it comes down to a matter of what he desires and what his purposes are, and that is where I can come in, not only from his record, but also from my long-ago work on this committee. There are some members of this committee who were here when I was here, and lots of the staff is here, and they love the work.

I have known this man's family in my home State of Kentucky, and they are honorable, good people who have made careers not just for themselves but for their families, their State, for this country and for its people.

So, today, I come, happy and honored to be here, and I would recommend without reservation the approval of Thomas Adams, Jr. for this important position to which he has been nominated by the President of the United States of America.

I thank you.

Senator STAFFORD. Thank you very much, Senator Cooper. Your words will carry a great deal of weight with this committee.

After the last few months of working on Superfund, we are particularly impressed with the difficult undertaking he is going to embark on if confirmed. I can predict that he will join Lee Thomas in that rather worried look about how am I going to get it all done once he is confirmed in this job.

I am delighted, Senator Cooper, that you are here. I am sure the committee is. We would invite you to stay with us if you wish or leave if you wish, as the case might be, but you are always welcome in this committee. You know that; I don't have to say it. It is nice to see you, sir.

Senator COOPER. Thank you.

Senator STAFFORD. I note that a valuable member of our committee has just come in, Senator Domenici. Senator, I made a brief opening statement. If you have one, fine. If you don't, you might like to say a word to our former ranking member.

Senator DOMENICI. Thank you very much, Mr. Chairman.

I don't have an opening statement. I will be here for this nominee and the following one.

I just want to say to our old friend, Senator Cooper, it is a pleasure to have you here. I do see you occasionally, as some might not know, but we do meet from time to time early in the morning

when you join us here in the Senate, almost once a week when you are feeling well. It is good to see you once again, and thank you for your remarks. I agree they will carry very much weight in terms of the nominee, and he should be very proud to have you here.

Senator COOPER. I thank you.

Senator STAFFORD. Thank you very much, Senator Domenici.

Without objection, I am going to place the statement of Senator Mitch McConnell on your nomination, Mr. Adams, in the record at this point.

[Senator McConnell's statement follows:]

Statement of Senator Mitch McConnell on the nomination of Thomas L. Adams to be Assistant Administrator for Enforcement and Compliance Monitoring at the Environmental Protection Agency.

July 28, 1986

Mr. Chairman, it is with great pleasure that I have the opportunity to address the Environment and Public Works Committee with regard to the nomination of Thomas L. Adams to be Assistant Administrator for Enforcement and Compliance Monitoring at the Environmental Protection Agency. I have known Tom Adams on both a personal and professional basis since 1973 when he served as counsel to members of the Senate Commerce Committee. He is a native Kentuckian and good friend, and I know him to be a man of conviction and have the highest regard for his professional integrity.

Tom Adams received his undergraduate degree from the University of Virginia and then attended Vanderbilt Law School after a four year stint in the U.S. Navy. Upon graduation from law school, he accepted a position as Appellate Attorney with the Land and Natural Resources Division of the Department of Justice. While with the Justice Department, he argued cases before the Court of Appeals and was responsible for preparing briefs for the Solicitor General's Office on subjects ranging from Indian claims to oil and gas rights and assorted related environmental issues.

After leaving the Justice Department, Tom Adams served as counsel on the Senate Commerce Committee as I previously stated. I believe it is important to note that he participated in the writing of the Environmental Protection Act of 1973 and the Resource Conservation and Recycling Act. After leaving the Senate, Tom Adams briefly served as Legislative Counsel at the Small Business Administration and then spent two years as Assistant General Counsel with the Federal Trade Commission.

In 1977, Tom Adam's career took him into the private sector. From 1977 to 1983 he was Assistant Director for Government Relations with the Republic Steel Corporation. He was responsible for advising Corporation executives on legislative and regulatory matters.

Most recently Mr. Chairman, Tom Adams has been with the EPA as Deputy General Counsel. When EPA Administrator Lee Thomas announced the nomination of Tom Adams to the top enforcement post, he stated: "Tom Adams has a proven track record in the environmental area." Nothing could be closer to the truth Mr. Chairman. It is my sincere belief that Tom Adams possesses the experience and knowledge necessary to administer the enforcement efforts of EPA. It is with sincere pleasure that I submit to this committee my highest recommendation for Tom Adams to be

confirmed for the position for which he has been nominated.

Thank you Mr. Chairman.

Senator STAFFORD. I see that Senator Warner is here. If it would accommodate the Senator's time, I would suggest, Mr. Adams, that we allow Senator Warner to introduce the other nominee for this morning. Why don't you stay right there, and we will get a couple more chairs up at the table, if that is all right.

Senator, I feel there are many reasons why I ought to go ahead now, not the least of which is that I was retired out of the Navy as a Captain, and the nominee is a Vice Admiral, retired, and you were Secretary of the Navy. So, if for no other reason than for naval protocol, I thought we ought to accommodate you at this time.

STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator WARNER. You are very thoughtful, sir, and we will put the hearing room awash in saltwater in a moment.

Mr. Chairman and members of the committee, it is a pleasure for me to introduce Adm. Kenneth Carr, nominated by the President to be a member of the Nuclear Regulatory Commission.

Admiral Carr retired from active duty in May 1985 after having most recently served as deputy and chief of staff to the commander in chief of the U.S. Atlantic Fleet. He is a veteran of World War II and the Korean war.

During his exemplary naval career, Admiral Carr was commanding officer of the U.S.S. *John Adams.* He was staff to the chief of naval operations for R&D, staff of the commander in chief, examining board, chief of staff to the commander of submarine forces of the U.S. Atlantic Fleet, and vice director of the strategic target planning at Arthur Air Force Base, NE.

Admiral Carr will bring to the NRC a wealth of knowledge of nuclear energy from his distinguished naval career. He served as the engineer officer of this Nation's first nuclear powered submarine, the U.S.S. *Nautilus,* and thereafter dedicated much of his career to the safety and efficiency of the use of nuclear power in the U.S. Navy.

He carries with him the unblemished safety record of the nuclear Navy of the United States where there has never been an accident or nuclear act resulting in a death.

Mr. Chairman, it is my pleasure to have served with the admiral when I was Secretary of the Navy, and I remember very well he was then military assistant and advisor to the Deputy Secretary of Defense, Bill Clements. Many a time when Clements summoned me to the office to put me down a captain's mast, the good old admiral kept in and moderated the temper of the Deputy Secretary of Defense.

Having seen him in those situations which were difficult in those days, I know that he can handle any challenge—and I repeat—any challenge put to him by the NRC.

I commend him to the committee without reservation and urge the committee to favorably consider his nomination and ask if the Chair might recognize his lovely wife, Molly, who has joined us today.

Senator STAFFORD. Certainly. We would like to welcome you here on behalf of the whole committee, and I apologize that most of my colleagues on the committee are undertaking other responsibilities in other areas this afternoon.

Thank you, Senator Warner.

Admiral, we will get back to you in the regular order, if that is agreeable.

Mr. Adams, I understand that members of your family are here. We would like to say hello to them if you will indicate where they are and who they are.

Mr. ADAMS. Mr. Chairman, this is my wife, Ann Randolph, and my two sons, Randolph Tyler Adams and Thomas Lynch Adams III.

Senator STAFFORD. Thank you very much. We are glad you are here.

All right. If there is nothing further at this point, the Chair would invite you, Mr. Adams, to go ahead with whatever statement you might wish to make.

STATEMENT OF THOMAS L. ADAMS, JR., NOMINATED TO BE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE MONITORING, ENVIRONMENTAL PROTECTION AGENCY

Mr. ADAMS. Mr. Chairman and members of the committee, Senator Cooper, and guests and family, I am truly honored to come before you as the President's nominee today.

Senator Cooper has given an historical backdrop on my career, and in the interests of time, I will not repeat that. I would like to give, however, briefly, my conception of the role I will play if confirmed and the goals that I hope to achieve as the Agency's chief enforcement official.

During my career, I have had the good fortune of working with people of great ability and integrity. I now look forward to the opportunity of working with Lee Thomas, the Administrator; Jim Barnes, the Deputy Administrator; Frank Blake, General Counsel; and the other assistant administrators and regional administrators. I would also be remiss not to mention Hank Habicht, the Assistant Attorney General for Land and Natural Resources at the Department of Justice. These are all wonderful people to work with and, if confirmed, I look forward to it.

During the last 20 years, Congress has entrusted to EPA great responsibility for protecting public health and the environment from the risks posed by chemicals, pollutants, and contaminants. The task of ensuring that these decisions and standards are implemented and complied with has grown increasingly complex, increasingly important, and increasingly difficult.

The Office of Enforcement and Compliance Monitoring plays a critical role in performing this task. The Assistant Administrator serves as the national program manager for enforcement—directing, evaluating, and conducting enforcement activities under the air, water, pesticides, toxics, and hazardous wastes statutes. The office also manages a criminal enforcement program and provides technical expertise to all parts of the Agency and the States

through the National Enforcement Investigations Center located in Denver, CO.

Over 3 years ago in this very hearing room, upon his return to EPA, Bill Ruckelshaus said, "The environmental laws of this country were passed by Congress and were meant to be taken seriously by the administrating authorities." Lee Thomas, likewise, has stated that one of EPA's top priorities is to enforce our environmental laws vigorously, consistently, and equitably to achieve the greatest possible environmental results.

The credibility of any regulatory program is dependent on its commitment to enforcement. To meet this objective, I intend, if confirmed, to take the following specific measures.

First, I will maintain the high level of quality enforcement activity under all EPA-administered statutes. EPA currently has the largest case docket in its 16-year history.

Second, I will focus not just on the quantity of enforcement but also on the legal, equitable, and strategic ramifications.

Third, I will make every effort to further develop and refine the environmental Federal/State working relationship. In so many of our enforcement programs, the States have the lead role in monitoring compliance and prosecuting of violators. The regional offices of EPA which are on the front lines in these areas are absolutely key to effective enforcement. EPA must continue to support and coordinate with the States to foster a comprehensive and concerted governmental enforcement presence.

Fourth, I will enhance the Agency's criminal enforcement program. During the brief history of this program remarkable progress has been made in establishing operating procedures, providing staffing, securing appropriate authorities, and developing relationships with the FBI and other law enforcement agencies.

EPA has, to date, referred to the Department of Justice more than 140 criminal cases. There have been more indictments and convictions this year than ever before. Yet, I think we can do more, particularly in the areas of targeting and prosecuting significant hazardous waste criminal actions and in developing the capability of States to operate effective criminal programs.

Finally, I intend, if confirmed, Mr. Chairman, to ensure that EPA uses every enforcement tool at its disposal to obtain compliance with environmental laws and regulations. This means not only filing judicial cases and issuing administrative orders but also employing new, innovative techniques for successfully and expeditiously correcting, or better yet, preventing noncompliance.

I want to thank Senator Cooper for his kind introduction today and the committee for the opportunity to appear before you. If confirmed, I look forward to working with you and your colleagues and your staffs to achieve EPA's important statutory responsibilities.

If you have any questions, I will be pleased to answer them.

Thank you, Mr. Chairman.

Senator STAFFORD. Thank you very much, Mr. Adams.

We do have some questions, and I am going to, if there is no objection, reserve to members of the committee who can't be here this afternoon the right to submit some questions to you in writing within the next few days if they care to do so. Would that be agreeable to you?

Mr. ADAMS. Certainly, Mr. Chairman.

Senator STAFFORD. I always routinely ask a nominee these questions: If you are invited or summoned to appear before any committee of the Congress, are you willing to appear?

Mr. ADAMS. Absolutely, without hesitation.

Senator STAFFORD. I have examined the file that you have filled out in connection with information requested of Presidential nominees, and I see nothing there that would cause any conflict of interest on your part. Do you know of any other holding or interest you might have that might place you in a position of being in a conflict of interest with respect to your duties at EPA?

Mr. ADAMS. I am not aware of any, Mr. Chairman.

Senator STAFFORD. All right, sir.

Mr. Adams, you speak in your statement of seeking not only quantities of enforcement actions but of taking actions that have legal, equitable, and strategic merit. It should be clear to everyone that the Agency is unlikely, in the foreseeable future, to enforce against every single entity that is out of compliance with one or more requirements of our environmental laws.

Can you give the committee, therefore, some idea of the basis on which you would expect to set priorities for taking enforcement actions and what you would expect to be the goals of a necessarily selective enforcement program?

May I say that any question I ask you, if you would rather respond to it in writing, that is acceptable.

Mr. ADAMS. Mr. Chairman, I will give a brief response and then submit further remarks for the record.

Senator STAFFORD. All right.

Mr. ADAMS. I believe a good example would be in geographic initiatives, that instead of a particular zone of cases being restricted to one area of the country, that they be spread throughout, that there would be a broader vision and knowledge in the regulated community that they have to be aware of what may be forthcoming. That is one form of the type of ideas that I think we need to look at.

Certainly, there are so many, I am certain, infractions that do occur that the Government, as a traffic cop, cannot hop on each case, but you give the bigger picture, and enforcement will certainly come about.

Senator STAFFORD. In your statement, you discuss briefly the Agency's criminal enforcement program and note that it is a relatively new initiative. Can you tell us a little bit more about the program such as when it was started and what it entails?

Mr. ADAMS. The criminal program was the seed of an idea 2- or 3-years ago. The concept was that, overall, a criminal violation certainly will ring the chimes of the regulated community with bigger bangs for the buck than civil type penalties. To date, there is an investigative force that links in with the offices of regional counsels as well as the U.S. attorney's offices in producing the criminal docket that we have today.

As I said in the statement, there have been a number of indictments and convictions, a number in the Western States and, in addition, some in the Northeastern part of the country. This will grow as time goes forward.

It has been exceptionally successful, and the regulated community is well aware of it and I think will become even more aware.

Senator STAFFORD. I understand that you and your office play a role in seeing that Federal facilities comply with the requirements of environmental statutes. Can you briefly describe the process employed by EPA and the administration to ensure that Federal facilities are taking steps to come into compliance with the law, and can you cite for us any specific problems the Agency is encountering in trying to ensure compliance by another Federal agency and what you are doing to solve these problems?

Mr. ADAMS. That is an exceptionally difficult question and difficult of resolution, Mr. Chairman. I would like to briefly say that I would lose all credibility if I painted a totally rosy picture in this area which certainly does not exist.

I know that EPA and the Department of Justice and the other agencies all have the goal of trying to achieve compliance, and they are working in that direction. It is getting closer to solution, and a number of studies and meetings are presently taking place to arrive at producing the best environmental result within the governmental framework.

I may be able within the period of responding to this record to put in some additional comments.

Senator STAFFORD. I think we would welcome that. I gather you imply that there is an interagency group that is trying to work out problems in this area?

Mr. ADAMS. Yes, Mr. Chairman.

Senator STAFFORD. I think that is a good way to go.

Finally, can you go into a little more detail about the innovative techniques you mention in your statement? Will these be in addition to the more traditional enforcement techniques such as filing judicial suits and issuing administrative orders, or will the new approaches cut into the use of traditional tools?

Mr. ADAMS. The new approaches that have been conceived of by the present grouping of people that are with the enforcement office and some that I have been looking at, are areas of achieving faster resolution of cases using less governmental funds and bodies. It would be like third party arbitration, ADR, that type of approach.

Hopefully, these will be in the works within the next 5 or 6 months, some trial programs, some procedures for using this type of mechanism. We cannot continue to go to court every time on an issue.

Senator STAFFORD. Thank you very much, Mr. Adams.

The Chair notes that the chairman of our Subcommittee on Nuclear Regulation, Senator Simpson, has arrived. Senator, we would welcome any questions you might have for this witness. You might also have an opening statement when we turn to the next witness or now, whatever is your pleasure.

Senator SIMPSON. Mr. Chairman, I thank you for your usual courtesy to me which is very much appreciated and continuing.

I have met Mr. Adams. I enjoyed that some time ago. I think he is going to do a splendid job. I was impressed by him. You have asked certain questions. I have some that I may ask in writing so that we can proceed.

I want to greet our dear friend, John Cooper, who served in the Senate with my father and has been a lovely friend to me since I came to this arena. Certainly, we have the greatest respect and regard for him. It is great to see you, sir.

I wish you well, Tom Adams, as you go off on this fascinating adventure—which they all are, of course, in this area. You get to grapple with the regional issues and the patriotisms of the various agencies of the United States and areas of the United States and regional enforcement efforts in solid waste and ground water. Have a go at it. I am glad you are there.

Mr. ADAMS. Thank you, Senator.

Senator SIMPSON. It is nice to see your family. I remember being about that age when I first came to this city. I assume these are your two children and your wife. Greetings to you.

Mr. ADAMS. Thank you, Senator.

Senator STAFFORD. Thank you very much, Senator Simpson.

Senator Domenici, Did you have any questions of this witness?

Senator DOMENICI. Mr. Chairman, I really don't have many questions, and I won't keep you long.

I saw your sons here, and I just want to tell you that you are taking on a very tough job. I hope when your time ends in this job that they know you as well as they do now, and I say that in all seriousness. I can't conceive of a tougher job, but I hope you know that you can only do so much.

Let me talk a little bit about enforcement and lawsuits. Senator Simpson and myself and the distinguished chairman have been involved in most of the legislation that you are going to be trying to enforce. The one which is before us now and we have been grappling with for a couple years and in conference for a while is the Superfund.

I just want to give you my own personal observations. It has nothing whatsoever to do with whether I am going to vote for you or not. I am. I congratulate you in advance on getting confirmed. I think you will, and it will be rather quickly, I hope.

Frankly, I believe that at this point in time after a slow start in Superfund that we continue to enmesh ourselves in the solution to Superfund problems by principally using litigation. Frankly, I believe that the American people want those sites cleaned up, but I believe if they had a bird's eye view across this land of where we are spending our money on Superfund, they would vote it down, and I don't like that. I think we ought to have their support. We do now because they think it is going to somehow fix this environment up in a way that we really ought to do it.

I don't believe it has much of a chance. We have spent $1.8 billion. I think we have cleaned up a few sites. They are probably still subjected to some litigation. I believe if we continue down the same path, instead of $1.8 billion, we will have spent $5 billion and maybe we will clean up a couple of dozen sites, because every time we look, we see that it is enmeshed and embroiled in lawsuits, and the more we push, the more people come into the lawsuits.

If you don't know now, you will know that the most complicated suits you have around are a few sites where the cleanup might have cost $10 or $12 million and estimates at this point are that

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the combined attorneys' fees exceed the cost of fixing it. There are a number of those.

I really think that is irrational. I think it is soon becoming part of a tremendous, almost popular animosity against lawyers and our courts. I don't think that is good, either.

But when we cause others to spend as much as they have in litigation over Superfund with some idea that we are going to get it fixed that way, I just want to urge that, within the law, that you do everything you can to get the Superfund sites cleaned up. That is really why we are going to appropriate a couple of billion dollars a year. We have no disposition to feed the pockets of the attorneys on any side of the situation or to load the dockets of the State and district courts of this land.

So, that is my own admonition to you. I know you have to follow the statutes. Even though we draft them, I am not one of those who is any longer reluctant to tell you that we don't know what we put in some of them. We think you ought to. And sometimes we don't know what we put in them, and we think the courts ought to. So, you have some situations where nobody knows what they ought to or what we intended.

However, I just want to urge that you do whatever you can to get the goal achieved in Superfund and that is to clean up the sites and spend the money to get them cleaned.

In the other areas, it sounds to me like you have good common sense, and that is really what we would like to do on the enforcement side. We really aren't out there trying to litigate things. We want to get people to comply, and we want to give people a chance to do it in a way that they understand and is rational, and we just hope you will do that.

Thank you very much for your openness here, and I wish you well.

Mr. ADAMS. Senator, thank you for your admonition. I will try to follow through.

Senator DOMENICI. Well, don't go around saying that is what you are going to do, because some people will vote against your saying that. Wait until you get approved.

Senator STAFFORD. Lee Thomas can tell you the complicated nature of things since he sat through most of our attempts to draw up a bill over the last 3 or 4 months. We are almost there, but every time we get almost there, we seem to have a mirage in front of us and have to pursue it for another week.

Senator Simpson has been part of the process also. Do you have any questions of this witness?

Senator SIMPSON. No, Mr. Chairman, except that Superfund is known only to a very few select people in the Illusion Heights somewhere. I have never met any of them here, but somebody must know what is in it.

We are working on the conference now, and when you get bright people in a room and six or eight of them say what does this sentence mean and you get eight different definitions, then you know we are in trouble. But that is for you to decide.

Mr. ADAMS. Thank you, Senator.

Senator STAFFORD. At least you see that gives you several options.

I don't think there are any more questions, Mr. Adams. We appreciate your being here. If there are any more questions, they will be submitted to you in writing, and I suggest you respond as quickly as you get them as you can so that we can expedite reporting your name out.

Mr. ADAMS. Thank you, Mr. Chairman.

Senator STAFFORD. Again, I want to thank John Sherman Cooper for being here.

[Mr. Adams' written statement, a completed committee questionnaire, and responses to additional questions from Senators Simpson and Burdick follow:]

STATEMENT
OF
THOMAS L. ADAMS, JR.
FOR CONFIRMATION
AS ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND
COMPLIANCE MONITORING
OF THE
U. S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
U. S. SENATE COMMITTEE
ON ENVIRONMENT and PUBLIC WORKS
MONDAY, JULY 28, 1986

Mr. Chairman and Members of the Committee, I am honored to come before you as the President's nominee for Assistant Administrator for Enforcement and Compliance Monitoring of the Environmental Protection Agency. I would like to take this opportunity to describe briefly my background, my perception of the role I will play and the goals that I hope to achieve as the Agency's chief enforcement official.

I received my college degree from the University of Virginia in 1963. In the following three years, I served as an officer in the United States Navy with the 2nd and 6th fleets. I then entered Vanderbilt University Law School and received my law degree in 1970. Following law school, I became a member of the Appellate Section of the Land and Natural Resources Division at the Department of Justice for two years. After which, I served as Minority Counsel to the Subcommittee on Environment and Consumer Affairs, United States Senate Commerce Committee. Following my experience here on Capitol Hill, I served for a brief time as Legislative Counsel to the Small Business Administration, followed with my position as Assistant General Counsel for Legislation at

the Federal Trade Commission. From 1977 to 1983, I served as Assistant Director for Government Relations for Republic Steel Corporation of Cleveland, Ohio. In 1983, I joined EPA where I have most recently served as Deputy General Counsel working with the Regional Counsels throughout the country.

During my public sector careers, I have had the good fortune of working with people of great ability and integrity. I now look forward to the opportunity of working with Lee Thomas, Jim Barnes, Frank Blake, and Hank Habicht, as well as with the Members of this Committee and Congress in helping EPA fulfill its mandate.

During the last two decades, Congress has entrusted to EPA responsibility for protecting public health and the environment from the risks posed by various chemicals, pollutants, and contaminants. The task of ensuring that these decisions and standards are implemented and complied with has grown increasingly complex and increasingly important.

The Office of Enforcement and Compliance Monitoring plays a critical role in performing this task. The Assistant Administrator serves as the National Program Manager for enforcement; directing, evaluating, and conducting enforcement activities under the air, water, pesticides, toxics, and hazardous waste statutes. The Office also manages a criminal enforcement program and provides technical expertise to all parts of the Agency and the states through the National Enforcement Investigations Center located in

I agree with Lee Thomas that one of EPA's top priorities is to enforce our environmental laws vigorously, consistently, and equitably to achieve the greatest possible environmental results in that the credibility of any regulatory program is dependent on its commitment to enforcement. To meet this objective, I intend to take the following specific measures.

First, I will maintain a high level of quality enforcement activity under all EPA-administered programs. EPA currently has the largest case docket in its 16 year history, and I will endeavor to maintain this trend.

Second, I will focus not just on the quantity of enforcement actions, but also on their legal, equitable, and strategic merit.

Third, I will make every effort to further develop and refine the environmental federal/state working relationship. In so many of our enforcement programs, the states have the lead role in monitoring compliance and prosecuting violators. The regional offices which are on the front lines in these areas are absolutely key to effective enforcement. EPA must continue to support and coordinate with the states to foster a comprehensive and concerted governmental enforcement presence.

Fourth, I will enhance the Agency's criminal enforcement program. During the brief history of this program, remarkable progress has been made in establishing operating procedures, providing staffing, securing appropriate authorities, and developing relationships with the FBI and other law enforcement agencies.

EPA has, to date, referred to the Department of Justice more than 140 criminal cases. There have been more indictments and convictions this year than ever before. Yet I think we can do even more, particularly in the areas of targeting and prosecuting significant hazardous waste criminal actions and in developing the capability of states to operate effective criminal programs.

Finally, I intend to ensure that EPA uses every enforcement tool at its disposal to obtain compliance with environmental laws and regulations. This means not only filing judicial cases and issuing administrative orders, but also employing new, innovative techniques for successfully and expeditiously correcting, or better yet, preventing non-compliance.

I want to thank Senator Cooper for his introduction here today and the Committee for the opportunity to appear before you. I look forward to working with you, your colleagues, and your staffs to achieve EPA's important statutory responsibilities.

If you have any questions, I will be pleased to answer them. Thank you.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Adams, Jr. (Last) Thomas (First) Lynch (Middle)

Position to which nominated: Assistant Administrator for Enforcement & Compliance Monitoring

Date of Nomination:

Home Address: 2126 Leroy Place, NW
Washington, DC 20008

Home phone: 202/265-0814

Date of birth: 22/11/41 (Day) (Month) (Year) Place of birth: Fayette County, Kentucky

Marital status: Married Full name of spouse: Anne Randolph

Name and ages of children:

Thomas L. Adams, III	10 years
Randolph T. Adams	9 years

Education:

Institution	Dates attended	Degrees received	Dates of degrees
University of VA	Sept. 1959	B.A. History	May 1963
Vanderbilt School of Law	Sept. 1967	J.D.	May 1970
University of KY	June 1967 June 1968	Graduate Course Work in History	

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

3/83 - Present	Deputy General Counsel, USEPA, Washington, DC
7/77 - 3/83	Assistant Director, Republic Steel Corporation, Wash., DC
8/75 - 7/77	Assistant General Counsel, Federal Trade Commission, Wash., DC
11/72 - 8/75	Minority Counsel, U.S. Senate, Commerce Committee, Wash., DC
7/70 - 10/72	Appellate Attorney, Department of Justice, Wash., DC
6/69 - 8/69	Law Clerk, Department of Justice, Wash., DC

Employment record—Continued

7/63 - 1/63 Officer, U.S. Navy, USS Forrestial (CVA-59)

Honors and awards. List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

T.I.L.K.A. - Mens Honorary - University of Virginia

Military Service Awards

Memberships. List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Beta Theta PI Fraternity		1960 -1963
American Bar Association		1970
Kentucky Bar Association		1970
District of Columbia Bar Assoc.		1970
Washington Industrial Rountable	Treasurer	1977 - 1980
Woodrow Wilson House		1980
Dupont Conservancy		1986
Maret School Exec. Committee	Vice President	1986

Qualifications

State fully your qualifications to serve in the position to which you have been named.

Demonstrated ability to develop and provide legal and policy advice on complex problems.

Familiarity with the legal, scientific and policy issues surrounding complex national environmental programs.

Professional work experience in litigation pertaining to federal statutes and regulations and their application to public and private sector problems.

Demonstrated ability to manage resources and personnel of a multi-level organization composed of legal professionals.

Based upon three years of service with the Environmental Protection Agency, I have extensive organizational and personnel knowledge of the Headquarters/Regional working relationship.

Future employment relationships

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Presently employed by U.S. Government as Deputy General Counsel for Regional Coordination, Office of General Counsel, USEPA

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

No Plans

3. Has anybody made a commitment to you for a job after you leave government?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

Not Applicable

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Not Applicable

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

I have a remainder interest in the estate of my grandfather, Thomas Branch Adams, which according to his will is to be distributed upon the death of his last remaining child. The amount of the distribution to me (present day value) is in the range of over a million dollars in land and securities.

3. Are any assets pledged? (Add schedule).

No

4. Are you currently a party to any legal action?

No

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No

Potential conflicts of interest

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

From 1977 to 1983, I worked for Republic Steel of Cleveland, Ohio, which has merged with another company. I have no fiscal contacts with the new organization, and therefore have no actual conflicts of interest.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

Not Applicable

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

Ethics Officer Gerald Yamada's letter of June 16 to David Martin, Director Government Ethics Office is attached. I have read, am familiar with, and will continue to comply with the Agency's Guidance on Ethics and Conflict of Interest. (A copy is also attached.)

Political affiliation and activities

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

I have made no personal political contributions in excess of $1000; however, as an officer (Vice Chairman) of a political action committee for Republic Steel 1977 to 1983, I frequently helped in analyzing candidates and in the directing of fund distribution. I helped as a volunteer in the senatorial campaign of Marlow Cook of Kentucky.

Published writings

List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

I have published no books, articles or reports. As Minority Staff Counsel of the Subcommittee on Environment and Consumer Affairs, United States Senate Committee on Commerce, I contributed to the writing of numerous hearing reports. In the early 1970's as an attorney with the Lands Division of the Department of Justice, I contributed articles and reports to the Land and Natural Resources Division Journal.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

No

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No

AFFIDAVIT

DISTRICT OF COLUMBIA
WASHINGTON, D.C.) ss. being duly sworn, hereby states that he/~~she~~ has read and signed the foregoing Statement for Completion by Presidential-Nominees including the Financial Statement and that the information provided therein is, to the best of his/~~her~~ knowledge and belief, current, accurate, and complete.

Thomas F. Hamill

Subscribed and sworn before me this 10TH day of JULY , 1986

Notary Public

My commission expires
October 14, 1988

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RESONSE TO QUESTION FROM SENATOR SIMPSON
FOR THOMAS L. ADAMS CONFIRMATION HEARING

Answer: Priority setting has always been a challenge for EPA given its demanding and ever expanding agenda. It is very important that enforcement resources be focused on the areas of highest environmental priority to agency programs. Priority setting for enforcement cannot be accomplished in a vacuum, and must reflect an assessment of environmental payoffs as viewed first by the national programs, and then take into account region-specific environmental concerns. As the question implies, an even greater challenge is presented in ensuring that priorities are implemented in an even-handed manner across all Regions.

There are several opportunities for priority setting and follow up implementation which I would rely upon. First, OECM manages the Agency accountability system for compliance and enforcement. A key component is the definition of significant noncompliance (SNC). The definitions and criteria for SNC are developed by each program but coordinated and negotiated with OECM to ensure they are objective and consistent in their application across the country, but also are focused on the most significant environmental problems. Regions and States then develop lists of facilities that are in significant noncompliance (SNC) and negotiate commitments for returning them to compliance. These commitments are tracked by OECM on a quarterly basis, with reports on progress to the Deputy Administrator. For example, the Office of Solid Waste and Emergency Response's (OSWER) definition of SNC focuses on land disposal facilities, and groundwater monitoring requirements.

In working with, for example, OSWER to set priorities, my prospective office is closely involved in and reviews proposed Agency Operating guidance, and subsequent RCRA Implementation Plan grant guidance. As noted by the question, there are numerous violations and facilities against whom we can direct enforcement. The guidance contains more refined priorities that cannot be established solely by the SNC approach. In managing to ensure that these priorities are followed, we mutually developed, for example, the concept of facilities management planning to enable States and Regions to determine the best course of action and priority for addressing individual hazardous waste facilities whether that action be a closure, corrective action, other enforcement response or permit issuance. We also worked with the OSWER to establish priorities within the land disposal group based upon such factors as whether there have been actual releases, the risk of exposure to contamination, etc.

Within the direct responsibilities of my office, I plan to further assess whether our civil and criminal dockets reflect these priorities. I also plan to exercise the prerogatives of our leadership function to work with OSWER and other offices to develop a similar capability to evaluate whether administrative enforcement actions are similarly focused.

Finally, in addition to the SNC management tool for implementing general guidance on priorities, my office works with OSWER to devise targeted enforcement initiatives to use available enforcement resources to create a broad-based deterrent impact in other priority areas. This is the approach being taken in enforcing the loss of interim status provision.

Despite the efforts to define national priorities, it is also clear to me that many environmental priorities can best be addressed at the State and Regional level. I am fully committed to working with the Regions and States to improve the use of local geographically based enforcement initiatives to get maximum environmental results.

RESPONSE TO QUESTIONS FROM SENATOR QUENTIN N. BURDICK
FOR THOMAS L. ADAMS CONFIRMATION HEARINGS

1. Can you explain briefly the main responsibilities of OECM?

Answer: The Office of Enforcement and Compliance Monitoring (OECM) has five broad functions. First, OECM plays a major leadership role-- it serves as the spokesperson for the national compliance and enforcement program in all media; fosters innovation and improvement in ways to achieve compliance; provides leadership in strengthening the Federal/State enforcement relationship; and seeks and defends adequate resource requests to support compliance and enforcement.

Second, OECM is a national program manager--it implements an Agency-wide system for planning and managing national compliance and enforcement programs; establishes Agency-wide enforcement and compliance frameworks and principles; establishes performance measures for all enforcement and compliance activities; and is directly responsible for managing the criminal enforcement program.

Third, OECM serves as legal enforcement counsel--it provides legal guidance and counsel to the Regions and Program Offices on proper procedures for enforcing environmental legislation in air, water, waste, pesticides, toxics, and radiation; ensures that individual enforcement actions are consistent with Agency priorities and are legally sufficient; serves as the primary liaison with DOJ on enforcement matters; and conducts litigation activities in certain areas.

Fourth, OECM provides technical support and expertise--through the National Enforcement Investigations Center (NEIC). It manages the Agency's contingent of criminal investigators, furnishes technical assistance to Headquarters, Regions, and States with respect to complex technical enforcement issues, and handles technical services for cross-media or multi-Region enforcement initiatives; and OECM-Headquarters also provides training and information on enforcement policies and procedures to Headquarters and Regional staff.

Fifth, OECM has an oversight role--it ensures consistent, comprehensive, and effective oversight of the decentralized enforcement function, including the State/Federal enforcement relationship. This is accomplished through quarterly performance measures, through management reviews of the Regions, through oversight of implementation of State/EPA Enforcement Agreements, including oversight of implementation of timely and appropriate enforcement response criteria.

2. What are your specific interests for the Office? Do you have any ideas for how to improve the present strategies for compliance and enforcement?

Answer: My main interest is to ensure that the Agency's enforcement and compliance program operates efficiently, provides a high degree of deterrence and environmental benefit, and maintains public credibility. I have several ideas about how to do this:

First, I want to maintain the current high levels of enforcement activity which establish an effective enforcement "presence." I also want to look for opportunities to expedite our cases, conduct them as efficiently as possible to make the best use of our resources, and to make greater use of such innovative enforcement techniques as environmental auditing, inspection targeting and Alternative Dispute Resolution in appropriate circumstances. Several EPA and EPA/DOJ workgroups are looking at these issues in more detail to determine how such techniques can enhance our enforcement operations.

Second, I want to make sure that our enforcement efforts are focused on cases with the highest strategic value, i.e., ones which reflect our highest priorities and which have the greatest environmental impact. OECM has recently begun to develop a new data base which will be used by me and other senior enforcement officials to help assess the strategic value of our future case docket. When fully operational, this will be a very useful tool for making sure that the Agency is concentrating on the most environmentally significant cases.

Third, I will expand existing efforts to fully integrate the criminal enforcement program with the civil program. Criminal prosecution is the Agency's most potent sanction, and I will make sure that the enforcement process readily identifies appropriate cases for criminal enforcement.

Fourth, I want to continue to enhance the vitally important EPA/State enforcement relationship. I will look for opportunities to better coordinate enforcement actions, share information and provide technical support to them in order to foster a comprehensive and successful enforcement effort at both the state and federal level.

Finally, I want to find ways to use all of our enforcement authorities across all media programs more effectively, improving the capacity of the agency to use the full range of its enforcement tools to achieve priority environmental goals. This includes more efficient use of inspection resources across media programs.

3. How do you implement your operations?

Answer: Because enforcement is so decentralized, our operations must place a premium on close communication and coordination with all affected parties. Compliance and enforcement efforts are integrated into every aspect of EPA's programs. Assistant Administrators and Regional Administrators are accountable for the success of compliance monitoring and enforcement activities under their jurisdiction. This includes technical support and initiation of judicial cases, administrative enforcement and achieving compliance results. OECM's role is to exercise leadership and oversight over the enforcement and compliance monitoring functions at EPA, and offer effective and timely legal counsel, and technical support.

As a result, all policies are reviewed by Headquarters programs and Regions alike. Indeed, because the States play such a key role in the success of compliance monitoring and enforcement activities, OECM has developed several key policies working with a Steering Committee on the State/Federal Enforcement Relationship and with the National Association of Attorneys General. The Steering Committee is comprised of all of OECM's Legal Counsels, the program office compliance directors, representative Deputy Regional Administrators and Regional Counsels, State Environmental Directors, and officials from state associations, including the National Association of Attorneys General.

OECM's oversight role is primarily accomplished by designing agreed upon performance measures for all enforcement and compliance activities with programs and Regions. In my view, it is then essential that OECM review performance independently, with results shared collegially with affected programs to improve overall enforcement operations.

A good working relationship with the Department of Justice is also essential to carrying out our responsibilities. We have established standing working groups for each media program to ensure there is close communication and coordination on agency priorities, planning of workload and streamlining of procedures to ensure the most efficient operation of our enforcement programs.

Finally, I believe it is important to prevent compliance problems by working in the initial formulation of agency regulations and standards to ensure they are enforceable and that the requirements for compliance, and methods to assess it are clear. My staff will also play an important consultant role to program offices in devising effective strategies to achieve high levels of compliance.

4. What is the relationship of your office to other offices in the Agency?

Answer: OECM provides legal guidance and counsel to the Regions and media Program Offices (e.g., Office of Air, Office of Water, Office of Solid Waste and Emergency Response, Office of Pesticides and Toxic Substances) on proper procedures for enforcing environmental legislation, including the development of policy and guidance and review of regulations for enforceability and the need for new or improved compliance and enforcement strategies. There is ongoing daily contact with the various offices in this role.

OECM also provides training and information on enforcement policies and procedures to Regions and Programs through the development of comprehensive Enforcement Compendia for each of the environmental statutes and an annual series of seminars in all the Regions on new enforcement policies. These compendia include program and OECM developed guidance and serves as the primary source of instruction for implementing the enforcement portions of the programs.

Most directly, OECM works closely with the Regional Counsels in the review of the Region's referrals to ensure that the cases are consistent with priorities and legally sufficient. OECM must approve all non-direct referrals and settlements and is responsible for coordination with DOJ on referred cases as DOJ has the lead in prosecuting the cases.

OECM also maintains a close working relationship with the Office of General Counsel which is responsible for providing legal opinions on matters of statutory interpretation and handling defensive litigation.

OECM works with the program enforcement offices on key management information for Regions and States to collect and report to show enforcement performance and trends.

5. What is the extent of the Office's caseload? Do you forsee the need for increased funding and staff?

Answer: The total caseload of the Office of Enforcement and Compliance Monitoring (including civil judicial cases of all statutes) was 556 at the beginning of Fiscal Year 1986. The majority of these cases are brought under the Clean Air Act, Clean Water Act and CERCLA (Superfund). During the fiscal year through June 1986 an additional 230 civil judicial cases have been referred by the Regions, and 132 cases have been concluded/ settled/litigated.

OECM has the responsibility for requesting the necessary legal resources to support both case initiation and follow through of enforcement actions against violators of environmental statutes. Based on estimates of enforcement activity listed in the FY 1987 Congressional Budget I believe that there will be sufficient legal staff to support the caseload. We have been paying particular attention to our ability to close out existing cases as well as to meet our current enforcement and program priorities.

I am confident that the Agency will continue to devote the resources necessary to fulfill our enforcement responsibilities.

6. What forms of penalties do you impose on violators of particular environmental regulations?

Answer: Each of the statutes EPA has responsibility to administer authorizes EPA either to administratively impose and/or to seek judicially, civil and/or criminal cash penalties up to specified limits. In the case of criminal violations, sanctions can include incarceration. I subscribe to the agency's basic philosophy that to deter future noncompliance, penalties should at least recover the economic benefit of noncompliance and impose an additional amount related to the gravity of the harm, mitigated by other factors such as degree of cooperation and culpability. It is very important that EPA administer these authorities fairly and that the regulated community be on notice that they will be penalized at certain levels should they violate the law. As Assistant Administrator, I intend to carefully oversee the implementation of Agency penalty policies by the Regions and ensure that they are used effectively to create the broad based compliance we need from our enforcement actions.

In addition to cash penalties and incarceration, the statutes provide other forms of sanctions. Contractor listing, which prohibits the Federal government from contracting with listed facilities which have violated standards under the Clean Air Act and Clean Water Acts, is a particularly effective tool which the Agency is only now beginning to use. Other sanctions include authority to seek sewer bans, to revoke permits, etc. Settlements sometimes provide for alternate or beneficial projects as credit toward cash penalties, which go beyond what is minimally required to return to compliance.

I believe the agency must use the full range of enforcement tools at its disposal in the most creative ways to enhance compliance.

Senator STAFFORD. As soon as our guests who are leaving have left, we will resume this hearing for Admiral Carr.

Admiral, you and I have had a chance to visit in my office, and I am personally impressed with your career in the Navy and particularly grateful, as an American, that you are willing to undertake a responsibility of this nature which, in my opinion, your training qualifies you for. I am sure you will find that at times you won't be much better received by the public than will Mr. Adams when he is trying to enforce EPA statutes.

So, we are doubly grateful you are willing to come in front of this committee and consider joining the Nuclear Regulatory Commission.

The chairman of our subcommittee who handles NRC matters is Senator Simpson, and I would invite any statement you want to make, Senator.

OPENING STATEMENT OF HON. ALAN K. SIMPSON, U.S. SENATOR FROM THE STATE OF WYOMING

Senator SIMPSON. Mr. Chairman, thank you again.

I join in welcoming Admiral Carr to this confirmation hearing. I had the pleasure of visiting with the admiral and I am very impressed with his experience and qualifications. I am pleased that we will hear his formal views on the subject of commercial nuclear power and the public health and safety which is really the only mission of the agency to which he has been nominated.

I think you bring an extraordinary background to us from the nuclear navy that is in many respects different from and yet in other respects so very similar to the tasks that you are going to encounter at the NRC. In the safe operation of nuclear reactors, the efficient and decisive management and attention to detail are critical and essential skills in both areas. I think that is going to be very good for the United States.

You certainly come at a time when the Commission really is going into transition as an agency. It is, by and large, going to be almost solely responsible, if things don't change, for the regulation and the licensing of operating commercial nuclear powerplants and those things have slipped so. Under the present situation, unless we do some legislating, it is going to stay in that condition.

So, you have the responsibility to carry out this unwavering commitment to the public health and safety. We are fortunate to tap your enthusiasm and resource at a time of continuing challenges, and there will be no shortage of those for you. We will assure you of that.

I trust that you, sir, if confirmed by the Senate, will continue your service in this field of nuclear energy in the same very dedicated way that you have done as you have served your country. I look forward to a close and productive working relationship with you, sir, upon your confirmation in our oversight capacity as dictated by the chairman of this committee and my function as chairman of the subcommittee. I certainly will look forward to that.

I thank you, Mr. Chairman.

Senator STAFFORD. Thank you very much, Senator Simpson.

Senator Domenici, do you have any statement?

Senator DOMENICI. Mr. Chairman, I think I will reserve it until the time of questions. I, too, have interviewed the nominee and am impressed with his qualifications.

Senator STAFFORD. Thank you, Senator.

At this point in the record, without objection, the Chair will place a statement from of Senator Mitch McConnell on your nomination, Admiral Carr.

[Statement of Senator McConnell follows:]

Statement of Senator Mitch McConnell on the nomination of Vice Admiral Kenneth M. Carr, retired, to be a member of the Nuclear Regulatory Commission.

July 28, 1986

Mr. Chairman. Today, the Environment and Public Works Committee is considering the nomination of Vice Admiral Kenneth M. Carr to fill the current vacancy on the Nuclear Regulatory Commission. I would like to take this opportunity to express my my support for the nomination of Admiral Carr.

Admiral Carr is a native of my home state, where he was born in Mayfield, Kentucky. After graduating from high school in San Bernardino, California, and two years of study at San Bernardino College, he enlisted in the Navy in 1941. In 1944, then Coxswain Carr was selected for the V-12 Officer Program and entered the University of Louisville. Upon being commissioned in 1945, Admiral Carr received an appointment to the U.S. Naval Academy as a member of the class of 1949 and after graduation, entered Submarine School.

In 1953 Admiral Carr was assigned to the precommissioning detail of the USS Nautilus and subsequently served as Gunnery Officer on the Nautilus' commissioning detail. He served as Electrical Officer during the Nautilus' historic polar crossing

in 1958. Admiral Carr continued to rise through the ranks and serving on various vessels until becoming Commanding Officer of the USS Flasher. At the time of his retirement from active naval duty, Admiral Carr was serving as Deputy and Chief of staff to the Commander in Chief of the U.S. Atlantic Fleet. He is the recipient of numerous decorations including the Distinguished Service Medal.

Mr. Chairman, Admiral Carr had the unique experience of being trained under the guidance of Admiral Rickover, the father of our modern-day nuclear navy. In my judgment, Admiral Carr has the practical nuclear engineering expertise and proven managerial abilities necessary for being a Commissioner of the NRC. It was for these reasons I wrote President Reagan on February 18 of this year and expressed my unreserved recommendation of Admiral Carr for appointment to the NRC vacancy. At this time Mr. Chairman, I wish to express that same recommendation to this committee.

Senator STAFFORD. We will now invite you to make whatever statement you wish at this point.

STATEMENT OF ADM. KENNETH M. CARR, NOMINATED TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

Admiral CARR. Thank you, Mr. Chairman.

It is a pleasure and an honor to appear before you today as President Reagan's nominee to be a member of the U.S. Nuclear Regulatory Commission. I was pleased to be asked to serve in such a position since it will permit me to use my 30-plus years of training and experience in and around the Navy's nuclear power program to continue efforts to ensure the safe use of nuclear materials.

I believe that my experience supervising the operation of nuclear submarine powerplants—including their overhaul, refueling, and restart—will stand me in good stead in the tasks ahead. I am particularly pleased to have had the experience of heading the commander in chief's Atlantic Fleet Nuclear Propulsion Examining Board for two years, thus personally conducting some 100 inspections of nuclear submarine plants and their crews.

I am convinced that electricity can be safely generated by nuclear power if the following conditions are met: (1) a good design with a working follow-up and feedback program; (2) quality construction; (3) excellent operating procedures; (4) well-trained, attentive operators; (5) thorough and accurate maintenance; (6) a continuing, careful inspection and training program; and (7) top management attention by supervisory and corporate leadership.

I pledge that, if confirmed as a commissioner, I will do all that is within my power during my term of service to ensure that these conditions are met.

Thank you. I will be pleased to answer any questions the committee may have.

Senator STAFFORD. Well, admiral, the brevity of that statement would do well up in the country where I come from and probably win you the Calvin Coolidge award of 1986.

You will be undertaking a difficult job, I am sure, but having survived the Rickover nuclear school, I think you will probably be up to the occasion and used to the sort of situation you will occasionally find yourself in.

I do have a few questions here, but, first of all, let me ask you the boiler plate questions.

I have examined your financial statements and so on. Do you know of any interests you may have that might put you in a conflict of interest position as a member of the Nuclear Regulatory Commission?

Admiral CARR. No, sir, none.

Senator STAFFORD. Are you willing to appear at the request of any committee of the Congress as a witness?

Admiral CARR. Yes, sir.

Senator STAFFORD. This Nation has a strong commitment to public participation in the licensing and regulation of nuclear powerplants and related activities. Do you believe that public participation should continue to be part of the Commission's decisionmaking process?

Admiral CARR. Yes, sir, I do.

Senator STAFFORD. If you believed that a nuclear powerplant was not operating safely, would you have any hesitation in shutting it down?

Admiral CARR. None whatsoever.

Senator STAFFORD. Would you consider the cost to the utility or the rate payers prior to making a decision on whether or not to allow operation of a plant that you deemed unsafe?

Admiral CARR. Not if it is a matter of safety, no, sir. I would shut it down.

Senator STAFFORD. The Commission form of decisionmaking has been criticized recently as too inefficient. Do you believe the collegial process can work and, if so, will you work with your fellow commissioners in the collegial manner as much as possible?

Admiral CARR. It has been my experience, sir, that good people can make any system work, and I will be happy to try.

Senator STAFFORD. That is fair enough.

Senator Simpson.

Senator SIMPSON. Thank you, Mr. Chairman.

I have indicated my pleasure to see the hands-on experience that you have gained in your days with the Navy. I would just ask if, based upon what you know about the civilian commercial nuclear program, you can share with us briefly your thoughts on how you might apply your naval experience in the position for which you have been nominated.

Admiral CARR. Well, I haven't seen a civilian nuclear plant, sir, so I am a little at a loss to translate my experience to that without some firsthand knowledge. But as I said in the statement, I believe that if you build them right, operate them with good operating procedures, have good personnel, and continue close oversight over those personnel, do good maintenance, and have supervisory and senior management attention, they certainly can be run safely.

Senator SIMPSON. What do you view personally as the most significant problems now confronting the NRC and the nuclear industry, and what steps would you take or recommend to address those problems?

Admiral CARR. I don't know, sir. It seems to me from what I read in the newspaper that one of our problems is that we are not getting any requests for licenses for new plants.

I am convinced that in the future in the years to come we will need energy from some source, and I am personally convinced that nuclear power will be one of those sources that is required. So, I think it is important that we end up with some means of making nuclear power safe enough for the country to use.

Senator SIMPSON. In 1980, we reorganized the NRC a bit, trying to strengthen the management of the agency to improve safety in all of the agency's activities. Now recently, there has been a discussion or I guess a growing concern or maybe even support for a proposal to reconstitute the NRC as a single administrator agency.

The chairman has asked you about collegiality, and one of the unfortunate and distressing frustrations is that we have a collegial body that doesn't college, and they don't do that because they can't, because under the sunshine laws, if more than two or three are gathered together, as in biblical times, I guess they can't speak.

So, they don't sit down and talk about the public health and safety. And if we try to change that, the hue and cry that we are trying to gimmick the sunshine laws will bring the mail room to a close.

But the reality of it is we must do something, and we are not doing anything. They do not speak. They do not communicate with each other. You are going to find that very frustrating. They communicate in the media. They don't ever, the five of them, sit down in a room together and talk. It is a very sad thing for a collegial body.

Senator DOMENICI. Well, they do when they vote.

Senator SIMPSON. They do when they vote. That is right, but they can't visit otherwise unless they are in public. There is no rap session allowed to them, nothing at all. People think that is good; I think it is terrible.

Well, now, that is enough. That is a heck of a long question, and it isn't even a question.

I wonder if you would share with the committee your thoughts on the strengths and the weaknesses—it is unfair and I don't mean to take you somewhere you aren't prepared to go—on the current Commission structure and comment or give your thoughts on the proposal to convert the NRC into a single administrator agency.

Admiral CARR. Well, I am from a background, of course, that has always had one person in charge and everybody knew who that was, so I am at a little bit of a loss to know how I feel about this collegial way of doing business. If it is as you describe it, sir, it must be awfully hard to get your work done.

Senator SIMPSON. It is. I am one of the oversight persons in the Senate. The chairman gives me the authority to do that, and it is very frustrating.

The work does not get done. When it takes 6 years to open a facility that wasn't even involved in the accident at TMI, you know something is wrong. And that is just one.

I see you have a courageous lady at your side there. I, too, have a person of 32 years with whom I go home and share richly frustrations of the past, and I know that you will do that, too—I can tell—in either Shakespearean English or four-words, whatever is required.

I have no further questions. Thank you.

Senator STAFFORD. It occurs to me, Senator, that if the collegial atmosphere causes five people to stop talking, maybe we ought try a little of it in the U.S. Senate.

Senator SIMPSON. That is very true, Mr. Chairman.

Senator STAFFORD. Senator Domenici.

Senator DOMENICI. Mr. Chairman, I had the opportunity to meet with the nominee in my office and discuss some of the issues and his background. Frankly, I asked him what I have asked a couple other nominees to the Nuclear Regulatory Commission. In the case of two of them, I knew them very well. I didn't know the admiral very well, but I asked him why in the world he wanted this job.

His answer was a very forthright one, and I commend him for it. He said he thought he ought to use his experience and background in the public service and thought he could do some good.

I really hope you can, and I hope you maintain that demeanor.

I was going to ask you also about the one administrator notion. I think it is somewhat unfair, and I am not going to ask you, because, obviously, you are now charged, as I understand it, when you take the oath, to enforce the law as it is. I assume that is what you intend to do.

Admiral CARR. Yes, sir. If you ask me about that a year from now, I will give you a better opinion.

Senator DOMENICI. I understand.

I do note, however, that you and a few others at the top were in charge of the entire maintenance of safety in a very difficult part of nuclear energy, propulsion of the submarines. I gather that you are justifiably proud of that record.

Admiral CARR. Yes, sir, we are.

Senator DOMENICI. I haven't seen any comparisons, but from what I read, I assume that it is historically safer than civilian nuclear energy, although it has had a pretty safe record in the United States, and I believe you were able to do that because of what you just described— somebody in charge. You knew who was responsible for most things and you held him accountable. Is that correct?

Admiral CARR. That is correct, sir. It wasn't easy, but it can be done.

Senator DOMENICI. I assume you do know that there are certain areas that have been, aside from the one discussed by the distinguished Senator from Wyoming—there are other areas that are in the wind such as reform in the licensing process for standardization of design and streamlining of the licensing procedures. Are you aware that some of those proposals are around?

Admiral CARR. I have heard that they are around. Yes, sir.

Senator DOMENICI. Do you have any feelings on those at this point?

Admiral CARR. No, sir. I have an open mind on all of those.

Senator DOMENICI. Do you have any reluctance to exercise the jurisdiction and power of the Nuclear Regulatory Commission to the maximum extent provided by law?

Admiral CARR. No, sir.

Senator DOMENICI. You have no fix going into this as to whether that is now happening or not?

Admiral CARR. No, sir.

Senator DOMENICI. In the event that the Nuclear Regulatory Commission has the authority to streamline the processes and procedures, after you are familiar with it, you have no reluctance in voting for such if you think it is in the best interest of the health and safety of the American people and in the building, construction, and maintenance of the nuclear plants that are in existence and to be built? Is that a fair statement?

Admiral CARR. None, sir. I would have no hesitation.

Senator DOMENICI. On another subject, as you know, uranium is somewhat important to the nuclear power industry and to the nuclear power system that is involved in your previous mission and to the nuclear arms development of this country. Do you think that both strategically as a mineral and fuel for civilian nuclear power we should have an American uranium industry, or have you not had a chance to review that and have an opinion on it?

Admiral CARR. I haven't reviewed it, sir, but I would say we do have a need for uranium.

Senator DOMENICI. Well, the one question you knew something about that is important was that one. I agree with you. So does Senator Simpson. Is that right?

Senator SIMPSON. That is right.

Senator DOMENICI. Thank you very much.

Admiral CARR. Yes, sir.

Senator STAFFORD. Thank you, Senator Domenici.

There should be some collegiality on the Commission when you get there, admiral, since the chairman is going to be another retired admiral. I am not sure whether his date of rank is senior to yours or yours to his.

Admiral CARR. He is senior to me, sir.

Senator STAFFORD. Well, that will work out well all the way around.

I don't have any further questions. If any members who aren't here and submit them to you in writing in the next 2 or 3 days, would you be agreeable to responding as soon as you can?

Admiral CARR. I certainly will, sir.

Senator STAFFORD. If you haven't received any within, say, 48 hours from now, you can assume there won't be any.

Senator STAFFORD. Thank you very much, admiral.

I think that concludes our hearing for today unless there is some witness in the audience who wishes to testify.

[No response.]

Seeing none, the committee stands adjourned.

[Whereupon, at 3:03 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

[A completed committee questionnaire and responses to additional questions from Senators Stafford, Simpson, and Burdick, follow:]

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: CARR (Last) KENNETH (First) MONROE (Middle)

Position to which nominated: COMMISSIONER, U.S NUCLEAR REGULATORY COMMISSION

Date of Nomination: 24 JUNE 1986

Home Address: 38 ATLANTIS AVE. GROTON LONG POINT, CT. 06340

Home phone: 203-572-9938

Date of birth: 17 MAR 1925 (Day) (Month) (Year)

Place of birth: MAYFIELD, KENTUCKY

Marital status: MARRIED

Full name of spouse: MARY ELIZABETH PACE CARR

Name and ages of children: NONE

Education:

Institution	Dates attended	Degrees received	Dates of degrees
SAN BERNARDINE VALLEY JC SAN BERNARDINE, CALIF	1941-1943	NONE	
UNIVERSITY OF LOUISVILLE LOUISVILLE, KY.	(V-12 UNIT) 1944-1945	NONE	
US NAVAL ACADEMY ANNAPOLIS MD.	1945-1949	BS	JUNE 1949
NAVAL NUCLEAR POWER SCHOOL GROTON, CT.	1956	NONE	
NAVAL NUCLEAR POWER TRAINING UNIT, IDAHO FALLS, IDAHO	1957	NONE	

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

U.S. NAVY - MAR '43 TO MAY '85 - OFFICER - JUNE 49 TO MAY '85

MAY '85 to PRESENT - CONSULTANT - WITHOUT PAY - TO DEFENSE SCIENCE BOARD OFFICE OF USDR&E - PENTAGON, WASH DC, ROBERT DUFFY SUPERVISOR OF PANEL. (IBDAD Appointment)

19-20 JUNE 86 - CONSULTANT - QUEST RESEARCH CORP. 9200 BASIL COURT SUITE 301, LANDOVER, MD. 20785 - SUPERVISOR MR. RAY ALVESTAD.

[redacted]

FROM	TO	NAME OF EMPLOYER AND SUPERVISOR	ADDRESS	TYPE OF WORK	REASON FOR LEAVING
5-85	Present	Defense Science Board Office of OUSDR&E Robert Duffy	Pentagon Washington, DC	Consultant w/o pay	
2-83	5-85	US CINCLANT, CINCLANTFLT CINCWESTLANT, COMOCEANLANT ADM W.L. McDonald	Norfolk, Va	Deputy & Chief of Staff	Retired
6-80	2-83	Joint Strategic Target Planning Staff Gen. Dick Ellis USAF	Offutt [illegible] Nebraska	Vice Commander	Transfer
6-77	6-80	COMSUBLANT ADM Ike Kidd ADM Harry Train	Norfolk, Va	Submarine Force Commander	Transfer
3-77	6-77	Office of CNO VADM Joe Moorer	Pentagon Washington, DC	Indian Ocean Study OP-06	Transfer
4-73	3-77	Office of Deputy SECDEF Hon W.P. Clements, Jr.	Pentagon Washington, DC	Military Asst.	Transfer
5-72	4-73	COMSUBLANT VADM R.L.J. Long	Norfolk, Va	Chief of Staff	Transfer
7-70	5-72	CINCLANTFLT Staff VADM J.L. Holloway III	Norfolk, Va	Sr. Member NucPropExamBd	Transfer
7-68	7-70	Office of CNO RADM Vince Healey	Pentagon Washington, DC	OP-713	Transfer
7-67	7-68	USS John Adams (SSBN620) Gold Capt W.E. Sims	c/o FPO NY, NY	Commanding	Transfer
6-64	7-67	USS Flasher (SSN613) Capt. Wallace Beam	c/o FPO NY, NY	Commanding	Transfer
3-64	6-64	Atomic Energy Commission RADM H.G. Rickover	Washington, DC	Student	Transfer
3-62	3-64	USS James Monroe (SSBN622) CDR W.H. Sandeford	c/o FPO NY, NY	Executive Off.	Transfer
12-60	3-62	USS Scorpion (SSN589) CDR Buzz Bessac	c/o FPO NY, NY	Executive Off.	Transfer
5-57	12-60	USS Nautilus (SSN571) CDR W.R. Anderson CDR L.W. Zech	c/o FPO NY, NY	Engineer Navigator	Transfer
12-56	5-57	Nuclear Power Training Unit CDR E.W. Cooke	Idaho Falls, Idaho	Student	Transfer
6-56	12-56	Nuclear Power School CDR Bill Behrens	Groton, Ct	Student	Transfer
7-54	6-56	USS Nautilus (SSN571) CDR E.P. Wilkinson	c/o FPO NY, NY	Communicator Gunnery Officer	Transfer
1-54	7-54	Supervisor of Shipbuilding CAPT Ben Byrnside	Groton, Ct	Prospective Gunnery Officer	Transfer

[redacted] Contd

FM	TO	NAME OF EMPLOYER AND SUPERVISOR	ADDRESS	TYPE OF WORK	REASON FOR LEAVING
11-53	1-54	Nuclear Power Training Unit, Lt Dean Axene	Arco, Idaho	Student	Transfer
10-53	11-53	Westinghouse Atomic PwrDiv Lt Dean Axene	Pittsburgh, Pa	Student	Transfer
1 53	9-53	USS Blackfin (SS322) LCDR Larry Butt	c/o FPO [illegible], Ca	Engineer	Transfer
11-51	1-53	USS Blackfin (SS322) LCDR Clifford Esler	c/o FPO SanFran, Ca	Gunnery Off.	Transfer
5-51	11-51	USS Blackfin (SS322) CDR D.M. Kable	c/o FPO SanFran, Ca	Supply Officer	Transfer
1 51	5-51	Mare Island Nav Spyd	Vallejo, Ca	AsstProdDept.	Transfer
6 50	1-51	Submarine School, NLon Lt Bert Findley	Groton, Ct	Student	Transfer
5 50	6-50	USS Flying Fish (SS229) Lt W.J. Crowe	c/o FPO NY, NY	Asst. Engineer	Transfer
6-50	5-50	USS Eversole (DD789) [illegible]	c/o FPO SanFran, Ca	1stLt & Torpedo Officer	transfer
6-49	6-49	US Naval Academy VADM J.L. Holloway	Annapolis, Md	Student	Transfer
6-45	6-45	Navy V-12 Unit Univ of Louisville	Louisville, Ky	Student	Transfer
2-44	6-44	Boat Pool #12 Navy 3202 LCDR Linblad	c/o FPO SanFran, Ca	Coxswain	Transfer
7-43	2-44	Standard Landing Craft Unit #16 LCDR Linblad	c/o FPO SanFran, Ca	Coxswain	Transfer
5-43	7-43	Naval Academy Prep School Unknown	NTC, San Diego, Ca	Student	Transfer
3-43	5-43	USNTC, San Diego CPO Capps	San Diego, Ca	Recruit	Transfer
9-42	3-43	Stephenson's Florist Blaine Stephenson	400 Block E Street SanBernardino, Ca	Delivery Boy	Join Navy
5-42	9-42	Hoskins Contractors Bill Mizelle	SanBernardino Army Air Depot Const. SanBernardino, Ca	Carpenter's Apprentice	Return to College
6-41	5-42	Unemployed (in college)	776 4th St SanBernardino, Ca		

Before 6-41 - too young

Employment record—Continued

SUPERVISOR - ALAN VICTOR

CONSULTANT TO NAOC, WARMINSTER, PA. 12-11-85 and 4-3-86

CONSULTANT TO NAVAL WAR COLLEGE, NEWPORT, R.I. 7-21-86 to 7-26-86

SUPERVISOR - BUD HAY

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

DEFENSE DISTINGUISHED SERVICE MEDAL (2); DEFENSE SUPERIOR SERVICE MEDAL; NAVY DISTINGUISHED SERVICE MEDAL; LEGION OF MERIT (2), MERITORIOUS SERVICE MEDAL, PRESIDENTIAL UNIT COMMENDATION; NAVY UNIT COMMENDATION; MERITORIOUS UNIT COMMENDATION, AMERICAN CAMPAIGN; ASIATIC AND PACIFIC CAMPAIGN WITH 2 ENGAGEMENT STARS, WW II VICTORY MEDAL, KOREAN SERVICE MEDALS, NAVY EXPEDITIONARY MEDAL, ARMED FORCES EXPEDITIONARY MEDAL

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
SEE ATTACHED SHEET		

MEMBERSHIPS

NAME	ADDRESS	DATES
Army Navy Country Club	Army Navy Drive, Arlington, Va 22202	'68-Present
Rotary	Omaha, Ne 68108	'60-83
Officer's Christian Fellowship	PO Box 1177 Englewood,Co80150-1177	'56 Present
Hon. Order Ky Cols.	5737 Watterson Trail Louisville, Ky 40291-0021	'58-Present
Harbor Club	Norfolk, Va 23501	'72-Present
Town Pt. Club	PO Box 3610 Norfolk, Va 23514	'83-Present
Fleet Reserve Assn.	1303 New Hampshire Ave. NW Washington, DC 20036	'79-Present
Non-Commissioned Officers' Assn.	PO Box 33610 SanAntonio, Tx	'81-Present
American Legion	Post 115, Noank, Ct 06340	'85-Present
Veterans of Foreign Wars	PO Box 52 Concord, Ca 94522	'82-Present
USNA Alumni Assn.	Annapolis, Md 21402	'49-Present
USNA Athletic Assn.	Annapolis, Md 21402-1384	'49-Present
Am. Assn. Retired Persons	1909 K St NW Washington, DC 20049	'85-Present
USS Nautilus Alumni Assn.	PO Box 402 Ledyard, Ct 06339	'83-Present
The Retired Officers' Assn.	201 N. Washington St. Alexandria, Va 22314	'84-Present
Arrowhead Country Club	3433 Parkside Dr Sanbernardino, Ca 92404	'84-'85
US Marine Raiders Assn.	3835 Lakeshore Blvd Lakeport, Ca 95453	'77-Present
US Submarine Veterans WWII	Omaha, Nebraska	'81-Present
Associated Men Students	Valley College, Sanbernardino, Ca	'41-'43
Naval Submarine League	Box 1146 Annandale, Va 22003	'82-Present
Military Order of Carabao	Washington, DC	'77-Present

Qualifications

State fully your qualifications to serve in the position to which you have been named.

For 22 years served in various capacities in the U.S. Nuclear Navy. Engineer officer for RST overhaul of Nuclear powered ship and its second refueling (Nautilus). Senior member, U.S. Naval Nuclear Propulsion Examining Board, U.S. Atlantic Fleet conducting Operational Reactor Safeguard Examinations, Commanded 2 U.S. Nuclear Submarines, Commanded U.S. Submarine Force Atlantic Fleet. Deputy Commander U.S. Atlantic Fleet, with oversight responsibility for Naval Nuclear Power Plants in the Atlantic.

Future employment relationships

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

YES - W/ — CEASE CONSULTANT POSITIONS - OTHERWISE CURRENTLY UNEMPLOYED - RETIRED U.S. NAVY VICE ADMIRAL

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

NONE

3. Has anybody made a commitment to you for a job after you leave government?

NO

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

YES

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

N/A

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

RETIRED US NAVY VICE ADMIRAL, MAY 1985

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

NOTHING OTHER THAN REPORTED ON SF-278 WITH FOLLOWING ADDENDA:

SPOUSE - STOCK - FEATHERSTONE CORP (SPECIALTY CHEMICALS) - NO INCOME - $ VALUE 1000-5000

CONSULTING CONTRACT - QUEST RESEARCH CORP, LANDOVER, MD. - SALARY - $950= 6/86 6/87

3. Are any assets pledged? (Add schedule).

NO.

4. Are you currently a party to any legal action?

NO.

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

YES

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

YES - NOTHING - THEY COMPLIMENTED ME ON GOOD RECORDS.

Potential conflicts of interest

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

NONE

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

NONE

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

NONE

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

REMOVE SOURCE OF CONFLICT.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

SEE ATTACHED MEMO OF 25 JUNE 1986 FROM NRC ACTING GENERAL COUNSEL.

Political affiliation and activities

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

NONE

Published writings

List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

NONE

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 25, 1986

David H. Martin, Esq., Director
Office of Government Ethics
Office of Personnel Management
Washington, D.C. 20415

Dear Mr. Martin:

As the Nuclear Regulatory Commission's Designated Agency Ethics Official, I have reviewed the Financial Disclosure Report (Form 278) of Kenneth M. Carr and have determined on the basis of the information disclosed in the report that his financial interests present no conflict of interest.

Sincerely,

Martin G. Malsch
Acting General Counsel

Enclosure:
Form 278

cc: Kenneth M. Carr

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

NONE

2. Do you agree to appear before all Congressional Committees which seek your testimony?

YES

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

NO

AFFIDAVIT

KENNETH MONROE CARR } ss. being duly sworn, hereby states that he/~~she~~ has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/~~her~~ knowledge and belief, current, accurate, and complete.

Kenneth M. Carr
Kenneth Monroe Carr

Subscribed and sworn before me this 5 day of July, 1983

Notary Public

QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR ROBERT STAFFORD

QUESTION 1. Do you believe that public hearings should be required prior to the licensing of nuclear power plants?

ANSWER.

Yes Sir, I do.

QUESTION 2. Do you believe that a State or local government should be allowed to prohibit the construction or operation of a nuclear power plant even if the federal government has issued a license to construct or operate the plant?

ANSWER.

No sir, not unless new evidence as to safety has surfaced, in which case, the state or local government should request the federal government to act to prohibit the construction or operation.

QUESTION 3. Do you believe that victims of a nuclear accident should be fully compensated for their injuries?

ANSWER.

I believe that compensation in such a case should be decided by the courts in accordance with the laws passed by the legislators. I do believe that the speed with which the victims receive compensation to be nearly as important as the reasonableness of the amount.

QUESTION 4. The Government in the Sunshine Act requires the Commission to hold its meetings in public, subject to several exceptions, such as enforcement proceedings or adjudications. Personally, would you have problems with conducting deliberations in public?

ANSWER.

No sir, I would not.

QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR ALAN K. SIMPSON

QUESTION 1. Do you support the need for a healthy, competitive domestic uranium industry?

ANSWER.

Yes sir, I do.

QUESTION 2. If so, would you be willing to take or support whatever steps are deemed necessary or appropriate, consistent with the statutory mandate of the NRC to protect the public health and safety, to ensure the maintenance of a viable domestic uranium industry?

ANSWER.

Yes sir, I would if I deemed them necessary and appropriate.

QUESTION 3. Would you be willing to take or support whatever steps are deemed necessary or appropriate, consistent with the statutory mandate of the NRC to protect the public health and safety, to minimize or eliminate duplicative or overlapping regulation of the domestic uranium industry and to resolve any conflicts between the NRC and other agencies in a manner that will achieve this objective.

ANSWER.

Yes sir, I believe that the elimination of duplicative or overlapping regulation with respect to any of the Commission's responsibilities to be a required objective and I believe, as well, that resolution of conflicts between the NRC and other agencies to be equally important.

QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR QUENTIN BURDICK

QUESTION 1. How do you see your role at the NRC?

ANSWER.

I consider my role at the NRC will be to use my training and experience in the Navy's nuclear power program to continue efforts to ensure the safe use of nuclear materials.

QUESTION 2. What do you already know of civilian commercial nuclear power plants?

ANSWER.

I have never visited a civilian nuclear power plant, therefore, I would say I know nothing except what I have learned from reading. I intend to correct that lack of on-site knowledge quickly if I am confirmed as a member of the Commission.

QUESTION 3. What from your experience in the nuclear navy will help you most in handling the nuclear power industry of this country?

ANSWER.

I have had experience in supervising the operation of submarine nuclear power plants-including their overhaul, refueling and restart. I was the engineer officer during the first overhaul of this Nation's first nuclear submarine-the Nautilus. As an ex-commanding officer of two nuclear submarines, I headed the nuclear propulsion examining board of the US Atlantic Fleet for two years and personally conducted about one hundred inspections of nuclear power plants, their maintenance, their operation and their crews with the object of ensuring proper training and safe operation. I expect this experience to provide me the most help.

QUESTION 4. In your judgement, what do you think should be the future of nuclear power in this country?

ANSWER.

I think that nuclear power will have a significant part to play in the future of this country as a source of electrical power to ensure coming generations will have sufficient electrical energy to sustain increasing population growth with an acceptable standard of living. It will be our responsibility to ensure such power is safely generated.

QUESTION 5. Do you support the idea of public participation in the licensing of commercial nuclear power plants?

ANSWER.

Yes sir, I do.

QUESTION 6. Legislation has been introduced to establish a Single Administrator at the NRC. Do you have any opinion on this?

ANSWER.

No sir, at this time I do not.

QUESTION 7 Do you have any ideas concerning the eventual decommissioning of commercial nuclear power plants?

ANSWER.

No sir, I do not. I might note, however, that the Nautilus has been decommissioned and is today a national historical monument toured by the public.